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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
SEP 23 2003  
JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

JOHN C. KLAG,	)	
	)	
Plaintiff,	)	NO. CT-02-5022-EFS
	)	
v.	)	
	)	PLAINTIFF'S RESPONSES TO
THOMAS E. WHITE,	)	DEFENDANT'S OBJECTIONS
SECRETARY,	)	TO PLAINTIFF'S EXHIBIT LIST
DEPARTMENT OF THE ARMY,	)	
	)	
Defendant.	)	
	)	

For the convenience of the Court and counsel during the September 24, 2003 telephone Pretrial Conference in this matter, Plaintiff John Klag's responses to Defendant's Objections to Plaintiff's Exhibit List are set forth below in outline form. Plaintiff's Counsel has advised Defense Counsel that this document will be filed before the Pretrial Conference.

<b><u>Exhibit Number: 2</u></b>	<b><u>Exhibit Name: EEOC Enforcement Guidance</u></b>
<b><u>Government's Objection:</u></b>	Contains legal opinions; Court should instruct the jury.
<b><u>Mr. Klag's Response:</u></b>	This is a bench trial

PLAINTIFF'S RESPONSES TO DEFENDANT'S  
OBJECTIONS TO PLAINTIFF'S EXHIBIT LIST - 1

**Exhibit Number: 3**

**Exhibit Name: DOD Investigative File Excerpt**

**Government's Objections:**

Foundation, privileged, hearsay and relevance.

**Mr. Klag's Responses:**

Foundation: The Government prepared this document.

Privileged: The Government produced this document in discovery with no claim of privilege or other objection.

Hearsay: Admission of Party Opponent.  
Fed.R.Evid. 801(d)(2)(A), (C) or (D).

Relevance: Shows Government did not offer Mr. Klag a transfer. Fed.R.Evid. 401.

**Exhibit Number: 29**

**Exhibit Name: Resume of Frederick Cutler**

**Exhibit Number: 30**

**Exhibit Name: Alan S. Quint M.D. Curriculum Vitae**

**Government's Objections:**

Hearsay, Relevance

**Mr. Klag's Response:**

Hearsay: Mr. Cutler and Dr. Quint will personally summarize the documents' contents

Relevance: Establishes Mr. Cutler's and Dr. Quint's qualifications as experts. Fed.R.Evid. 702.

**Exhibit Number: 35**

**Exhibit Name July 25, 1996 Letter from Ray Quinn to Office Workers' Compensation Programs**

**Government's Objections:**

Foundation, Hearsay, Relevance

**Mr. Klag's Response:**

Foundation: The Government prepared this document.

PLAINTIFF'S RESPONSES TO DEFENDANT'S  
OBJECTIONS TO PLAINTIFF'S EXHIBIT LIST - 2

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Hearsay: Admission of Party Opponent.  
Fed.R.Evid. 801(d)(2)(A), (C) or (D).

Relevance: Shows Government's knowledge of Mr.  
Klag's medical condition. Fed.R.Evid. 401

**Exhibit Number: 36**

**Exhibit Name: Rule 30(b)(6) Deposition Notice**

**Government's Objection:**

Relevance unclear

**Mr. Klag's Response:**

Since Government does not dispute that all Rule  
30(b)(6) deposition testimony was made in a  
representative capacity, Mr. Klag will withdraw  
this document.

**Exhibit Numbers: 37, 50, 51,  
52, 53, 54**

**Exhibit Names: Letters from Frank Filopoulos,  
Christ R. Kuntz, Larry Osborn, Wallace E.  
Jorgensen, Ruth M. Jaersz and Michael  
Laveway.**

**Government's Objection:**

Hearsay

**Mr. Klag's Response:**

Refreshes witness' recollection. Fed.R.Evid.  
803(5).

**Exhibit Number: 43**

**Exhibit Name: April 6, 1997 Letter from Mr.  
Klag to General Joe Ballard**

**Government's Objections:**

Hearsay, Relevance

**Mr. Klag's Responses:**

Hearsay: Refreshes witness' recollection.  
Fed.R.Evid. 803(5).

Relevance: Describes harassment Mr. Klag  
experienced and his requests to management to stop  
the harassment. Fed.R.Evid. 401.

PLAINTIFF'S RESPONSES TO DEFENDANT'S  
OBJECTIONS TO PLAINTIFF'S EXHIBIT LIST - 3

**Exhibit Numbers: 46, 47,  
48 and 49**

**Exhibit Names: Declarations of Renae L. Hirst,  
Donald Grenesman, Michael Laveway, and  
Shari Coleman**

**Government's Objection:**

Hearsay

**Mr. Klag's Responses:**

Refreshes witnesses' recollection. Fed.R.Evid.  
803(5).

Admission of party opponent (prepared by  
Government during administrative investigation of  
Mr Klag's EEO complaint).  
Fed.R.Evid.801(d)(2)(B).

**Exhibit Number: 55**

**Exhibit Name: Richard Schatz Expert Witness  
Report**

**Government's Objections:**

Hearsay; Duplicative

**Mr. Klag's Responses:**

Hearsay: Refreshes witness' recollection.  
Fed.R.Evid. 803(5).

Duplicative: Dr. Schatz is an economist who will  
testify to Mr. Klag's economic losses. His report  
will assist the Court and the parties by providing a  
written summary of calculations.

**Exhibit Number: 56**

**Exhibit Name: Declaration of Alan S. Quint**

**Government's Objection:**

Hearsay

**Mr. Klag's Response:**

Refreshes witness' recollection. Fed.R.Evid.  
803(5).

**Exhibit Number: 57**

**Exhibit Name: Complaint for Damages and  
Declaratory and Injunctive Relief**

**Government's Objections:**

Relevance and Foundation

PLAINTIFF'S RESPONSES TO DEFENDANT'S  
OBJECTIONS TO PLAINTIFF'S EXHIBIT LIST - 4

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2 Mr. Klag's Responses:

Relevance: Describes certain of the Government's  
conduct at issue in this case. Fed.R.Evid. 401.

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4 Foundation: The Government has not explained,  
and Mr. Klag does not understand, this objection.

5  
6 DATED this 23<sup>rd</sup> day of September, 2003.

7 LEE & ISSERLIS, P.S.

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9  
10 By 

Kenneth Isserlis

Attorneys for the Plaintiff John Klag

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27 PLAINTIFF'S RESPONSES TO DEFENDANT'S  
OBJECTIONS TO PLAINTFF'S EXHIBIT LIST - 5

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